



City of NORFOLK

C: Dir., Department of General Services

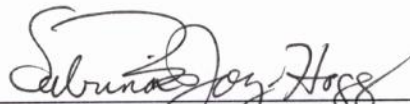
To the Honorable Council
City of Norfolk, Virginia

July 19, 2016

From: David S. Freeman, AICP
Director of General Services

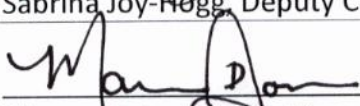
Subject: Acceptance of a Quitclaim
Deed from Norfolk Southern Railway
Company for a portion of Powhatan
Avenue

Reviewed:


Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 2/6

Approved:


Marcus D. Jones, City Manager

Item Number:

R-7

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to accept a quitclaim deed for the underlying fee of a portion of Powhatan Avenue from Norfolk Southern Railway Company ("Norfolk Southern") to the City of Norfolk (the "city").

IV. **Analysis**

The city intends to close a portion of Powhatan Avenue for the purpose of expanding its water treatment plant. Norfolk Southern is the owner of the property abutting the said portion of Powhatan Avenue to be closed and has agreed to convey to the City any interest it may have in the underlying fee of that abutting property.

V. **Financial Impact**

Purchase price	\$1.00
Typical Costs of Closing	Each party to this transaction shall pay its own legal fees.
FY2016 Assessed Value of Parcel	(No assessment data available)
Annual Real Property Tax Revenue	N/A

VI. **Environmental**

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A to Ordinance
- Quitclaim Deed and Exhibits

6/29/2016 - wld

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT. General Services

ORDINANCE No.

AN ORDINANCE APPROVING THE CONVEYANCE BY QUITCLAIM DEED OF THE UNDERLYING FEE OF A PORTION OF POWHATAN AVENUE FROM NORFOLK SOUTHERN RAILWAY COMPANY TO THE CITY OF NORFOLK, AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUITCLAIM DEED ON BEHALF OF THE CITY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the conveyance by Quitclaim Deed of the underlying fee of a portion of Powhatan Avenue, as shown on Exhibit A attached hereto, from Norfolk Southern Railway Company to the City of Norfolk ("City") is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to accept the Quitclaim Deed, a copy of which is attached hereto as Exhibit B, and to do all things necessary and proper to effect the conveyance of the underlying fee of a portion of Powhatan Avenue to the City.

Section 3:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE



NOW OR FORMERLY
NORFOLK & WESTERN
RAILWAY COMPANY
(D.B. 859, P. 170)
(D.B. 896, P. 22)
(M.B. 2, P. 72-CHES.)

AREA = 7210 SQ FT
(0.165 ACRE)

CURVE 1

R=143.50'
ARC=151.74'
DELTA=60°35'04"
CHORD=144.77'
CB=S63°28'01"E
T=83.83'

CURVE 2

R=60.00'
ARC=35.62'
DELTA=34°01'00"
CHORD=35.10'
CB=N20°46'03"W
T=18.35'

LINE TABLE		
NO.	DIST.	BEARING
L1	75.00'	S86°14'27"W
L2	43.00'	S03°45'33"E
L3	34.45'	S86°14'27"W

NOTES:

1. MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1983, SOUTH ZONE (NAD83)(1993-HARN).
2. AREA OF CLOSURE= 21,439 SQUARE FEET OR 0.492 ACRE.



HATCHED AREA DENOTES
INGRESS/EGRESS, UTILITY &
DRAINAGE EASEMENT

N: 3486988.58
E: 12122695.56

38TH ST (80' R/W)

R/W

N86°14'27"E

BLOCK 9

40.00'

40.00'

N3°45'33"W

133.08'

N3°45'33"W

210.70' (OA)

N37°46'33"W

152.45'

99.30' (OA)

POWHATAN AVENUE (80' R/W)

176.98'

S3°45'33"E

1

2

3

4

5

6

NOW OR FORMERLY
CITY OF NORFOLK
(M.B. 4, P. 91-CHES.)
(M.B. 2, P. 72-CHES.)

AREA = 14,229 SQ FT
(0.327 ACRE)

BLOCK 8

25

26

27

28

29

30

DB 897,
P 543

N: 3486752.55
E: 12122916.51

31

(C1)

(L1)

(L2)

37TH STREET CLOSED

ORD. 30,093

(L3)

19

18

EXHIBIT SHOWING NORFOLK & WESTERN
RAILWAY COMPANY PORTION OF
POWHATAN AVENUE.
NORFOLK, VIRGINIA

50 0 50 100



DRAWING SCALE 1"=50' 140145

DATE	SCALE	DRAWN BY	CHECKED BY
FEB 5, 2015	1"=50'	ELG	JTW

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VIRGINIA



LF-333

REVISED: 8/12/2015 (QMW)

EXHIBIT B TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney
Nathaniel Beaman IV, Deputy City Attorney (VSB#18486)
Return to: Office of the Norfolk City Attorney
Tax Map Reference No.: N/A
Title Insurance Underwriter: Unknown
Consideration: \$0.00

This deed is exempt from the recordation taxes imposed
by Section 58.1-801 of the Code of Virginia, 1950,
pursuant to Section 58.1-811(A)(3).

QUITCLAIM DEED

THIS QUITCLAIM DEED, made and entered into this ____ day of _____, 2016, by and between **NORFOLK SOUTHERN RAILWAY COMPANY**, a Virginia corporation, ("NS"), **Grantor**, and the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia, (the "City"), **Grantee**, whose address is City Hall Building, 810 Union Street, Norfolk, Virginia 23510.

WITNESSETH:

WHEREAS, the City intends to close a portion of Powhatan Avenue, as described in Exhibit A and shown on Exhibit B attached hereto, for the purpose of expanding its water treatment plant; and

WHEREAS, NS is the owner of the property abutting the said portion of Powhatan Avenue to be closed and may therefore have an interest in the underlying fee of that portion of Powhatan Avenue; and

WHEREAS, NS is agreeable to conveying to the City any interest it has or may have in the underlying fee of that said portion of Powhatan Avenue;

NOW, THEREFORE, for and in consideration of the sum of One Dollar and 0/100 (\$1.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, release, grant and convey to the Grantee, any and all right, title and interest the Grantor may possess in and to that portion of

Powhatan Avenue described in Exhibit A and shown on Exhibit B, said Exhibits being attached hereto and made a part hereof.

This conveyance is made, however, expressly subject to any conditions, easements, restrictions, licenses and reservations, whether or not of record.

WITNESS the following signatures and seals:

NORFOLK SOUTHERN RAILWAY COMPANY

By: _____
Name (Printed): _____
Title: _____

STATE OF GEORGIA
COUNTY OF FULTON, to wit:

I, _____, a Notary Public in and for the County of Fulton, in the State of Georgia, do hereby certify that _____, _____ (Title) of Norfolk Southern Railway Company, whose name are signed to the foregoing Quitclaim Deed, have acknowledged the same before me in the County and State aforesaid.

Given under my hand this ____ day of _____, 2016.

Notary Public
Registration No.: _____

The signature of Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, is affixed hereto on behalf of the Council of the City of Norfolk, Virginia, pursuant to an ordinance duly adopted by the City Council, to evidence the acceptance of this Quitclaim Deed by the City, in accordance with Section 15.2-1803, Code of Virginia, 1950, as amended.

CITY OF NORFOLK

By: _____ (SEAL)
City Manager

Attest:

City Clerk

**COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:**

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the _____ day of _____, 20____, do hereby certify that Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Quitclaim Deed, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public
Registration No. _____

Approved as to Form and Correctness:

Deputy City Attorney

EXHIBIT A

NORFOLK WESTERN - A PORTION OF POWHATAN AVE.

An irregular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: BEGINNING at a point that is the southwestern corner of the intersection of the right-of-ways of Powhatan Avenue and 38th Street; being shown on that certain plat entitled, "Town of Lamberts Point"; said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Map Book 2, Page 72; thence, from the point of beginning running along the southern right of way line of 38th Street, N 86°14'27" E, 40.00 feet, more or less, to a point; thence, leaving the southern line of 38th Street, S 03°45'33" E, 210.70 feet, more or less, to a point on the southwestern right-of-way of Powhatan Ave; thence along Powhatan right-of-way, N 37°46'33" W, 53.15 feet, more or less, to a point of curve to the right; thence, 35.62 feet along the arc of said curve, the radius of which is 60.00 feet, with a chord bearing and distance of N 20°46'03" W, 35.10 feet, more or less, to a point; thence, N 03°45'33" W, 133.08 feet, to the point of beginning, all as shown on an exhibit entitled "Exhibit Showing the Norfolk & Western Railway Company Portion of Powhatan Avenue," dated February 05, 2015 and revised August 12, 2015, being prepared by and on file with the Division of Surveys in the Department of Public Works in the City of Norfolk, Virginia as LF-333.

The above-described parcel contains 0.165 acre of land, more or less.

August 19, 2015

Checked: June 21, 2016